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Redevelopment Board Minutes 03/03/2014

Arlington Redevelopment Board

March 3, 2014 Minutes

Selectmen's Hearing Room, Town Hall – 7:00 p.m.

Approved: March 17, 2014

PRESENT: Mike Cayer, Chair, Andrew Bunnell, Bruce Fitzsimmons, Christine Scypinski, Andy West

ABSENT:

STAFF: Carol Kowalski

Documents Used:

Draft language for recommend votes on warrant articles

Testimony of John Belskis to the ARB

Town Counsel's March 3, 2014 email

Chris Loretto's March 1, 2014 email to Mr. Cayer

The Chairman opened the public hearing at 7:00pm.

The Chairman introduced Amy Fidalgo, the new Administrative Assistant for the Planning Department.

Mr. Cayer described the ground rules, which are that the sponsor presents the warrant article, the Board then comments, and then the Board would take public comments.

Mr. Cayer explained that the sponsor of Article 8 would reportedly pursue it as a general bylaw amendment, rather than zoning, and therefore would be heard by the Board of Selectman.

Mr. Cayer provided background on Article 6, with regards to Medicinal Marijuana Treatment Centers. He also reported on the group of interdepartmental staff who worked on the draft recommended vote.

The Board discussed the difficulty of separating the cultivation and dispensing locations of Medical Marijuana Treatment Centers, as Town Counsel advised against this action.

John Worden of Jason Street asked if the licenses would have to be in place before the Medical Marijuana Treatment Centers are granted a location.

John Belskis of Wollaston Avenue asked if the state issues the permits for each Medical Marijuana Treatment Center location.

Mr. Cayer responded to Mr. Worden and Mr. Belskis, saying that the state issues a license and then the Medical Marijuana Treatment Center would have to apply for a special permit from the Town through Environmental Design Review if this article passed. The ARB clarified the state and local jurisdiction. Mr. Fitzsimmons added that we have to craft the by-law amendment on the district level, and can't prohibit the addition of Medical Marijuana Treatment Centers outright, nor can the Board prohibit Medical Marijuana Treatment Centers specifically to a parcel.

Responding to a question from Michael Ruderman of Alton Street, the Board clarified that Arlington as a whole cannot simply prohibit Medical Marijuana Treatment Centers entirely. Mr. Ruderman also asked if there was an inventory of child-centered locations that could be shown with the 500 foot buffer drawn out.

Ms. Kowalski responded, saying that such locations come and go over time, so such a map would have limited value for establishing zoning districts.

Mr. Cayer then took up Article 7 and introduced Mr. Belskis, the article speaker. Mr. Belskis explained his purpose and reasons for the amendment, which would increase the percentage of affordable housing units required in Arlington's inclusionary zoning bylaw if the state were to increase the percentage required under Mass General Law Chapter 40B application. Mr. Fitzsimmons emphasized the concern that the closer our inclusionary zoning goes to 40B, the less inclined developers would be to use the Town's local bylaw. The Board stated that they would need an amount in the amendment. Mr. Belskis hesitated to determine a number at present. Mr. Belskis commented that alternatively, the ARB could then vote no action and Town Meeting could decide.

Ms. Wiener commented that the staff within the Planning Department had done some research on other cities and towns' inclusionary zoning bylaw and determined that most required an average of 10-15% affordable units.

The Board then turned to Article 8 on outdoor lighting. This article was submitted both as a zoning article and as a general bylaw article.

Christian Klein of Newport Street asked if special events that occur in parks at night would be eliminated by this bylaw. The Board considered this a valid concern.

Mr. Cayer stated that the subject of outdoor lighting, like noise, would be more appropriately addressed by the general bylaw as opposed to the zoning bylaw. This was also the opinion shared by the Town Moderator and Town Counsel. Accordingly, the Board did not discuss the merits of the warrant article.

Mr. Cayer then took up Article 9, Outdoor Seating. Mr. Cayer read Town Counsel's March 3, 2013 email on the zoning article Chapter 40, Section 3, which

stated that Selectmen have jurisdiction on public ways and stated that the zoning bylaw is not the proper place for regulating public ways. Mr. Ruderman of Alton Street stated that he did not see anything in town regulations to deal with this issue of outdoor seating. Ms. Kowalski pointed out that the Selectmen's office already has an application and review process for every application submitted for outdoor seating. Mr. Klein stated that four feet is not enough space for a pedestrian walkway to remain out of the way of tables and chairs.

Mr. Fitzsimmons moved to close the public portion of the hearing. Ms. Scypinski seconded and all voted in favor.

Mr. Fitzsimmons moved to accept the minutes of January 13, 2014 as amended. The motion was seconded and all voted in favor.

Mr. Fitzsimmons moved to reopen the public comments section of warrant article hearing Mr. West seconded. All voted in favor.

Mr. Cayer said that he would entertain a motion to receive the written comments of Chris Lorette, emailed March 1, 2014, and make them part of the public comment record. Mr. Fitzsimmons moved. Ms. Scypinski seconded. All voted in favor.

Ms. Scypinski moved and Mr. Bunnell seconded to close the public comment period, and all voted in favor. The meeting adjourned after a motion was duly made and seconded.

Respectfully submitted,
Carol Kowalski